REPORT

OF THE

CALCUTTA COURT OF SMALL CAUSES

FOR THE YEAR 1884.

Calcutta:
BENGAL SECRETARIAT PRESS.
1885.

No. 29.

FROM

THE JUDGES OF THE COURT OF SMALL CAUSES OF CALCUTTA,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL,

JUDICIAL DEPARTMENT.

Dated Calcutta, the 23rd March 1885.

SIR,

WE have the honour to forward, for submission to His Honor the Lieutenant-Governor, the report and returns of the business of the Court during the year 1884, the latter being those prescribed by the Government of India Resolution Nos. 384-387, dated the 14th March 1883.

2. A copy of our Annual Report to the High Court is herewith annexed, and from this certain statistics connected with the working of the Court will also be ascertained.

3. The remarks made in paragraph 2 of our report to the High Court will apply to some extent also to the returns sent herewith. The only omission in these returns is in the failure to fill up column 2 of Judicial Form No. 2 and column 3 of Judicial Form No. 6. The first omission is unavoidable, as the suits were not in 1883 classified according to Judicial Form No. 2: the second is an oversight. We may also remark that the miscellaneous cases set out in column 10 of Judicial Form No. 4 only comprise claim suits under section 278 of the Code of Civil Procedure, and do not by any means represent an accurate return of such cases. Regarding miscellaneous cases further explanation will be found in paragraph 6 of this report.

4. Making allowance for the increase in the number of suits, the statistics call for few remarks, as there must necessarily, as a rule, be an increase all round in other figures. There is some diminution in the suits "withdrawn with leave," which cannot be accounted for. Judicial Form No. 6 requires special remark, the number of distraint cases having fallen off considerably. This diminution is chiefly accounted for by a stricter method of receiving distraint applications. Next year the return regarding the number of those refused will be properly made.

5. In addition to the above, the increased number of claim suits under section 278 of the Code of Civil Procedure is noticeable. In our Annual Report for 1882 to the High Court (paragraph 14) we predicted that this class of claims would increase. Our predictions were not in the year 1883 verified, but we can safely say that they have been so now. for the year 1884 represents 485 of such claims as against 323 in 1883. This is the largest number ever yet instituted, and it is not difficult to assign causes for the increase. *Firstly*, such claims can now be filed without the payment of institution fees—a privilege which did not exist before the 1st July 1882; and *secondly*, the attachment of tiled huts gives rise to many claims of such a nature. Out of the 485 claims instituted, 113 were in respect of tiled huts attached. These claims form a portion of the most troublesome cases with which the Court has to deal (for they are generally contested, involving the examination of many witnesses), though not classified as regular suits.

6. In the Resolution on our Annual Report for 1883, His Honor the Lieutenant-Governor remarks that " he would be glad if some arrangement could be made by which all the miscellaneous work of the Court could be fully represented." We trust that next year our return of such work to the High Court will be complete, and a copy of such return will be incorporated with our returns to the Local Government. Our remarks regarding claim suits under section 278 of the Code of Civil Procedure explain what an important item such suits alone (classed as miscellaneous cases) form in the work of the Court, and in order to show the time occupied with miscellaneous cases the Chief Judge is able from his notes to ascertain the time occupied by him in hearing some of them during the year under review.

		Number of days occupied.
Claims under section 278 of the Code of Civil Procedure	...	14
Claims in distraint cases	...	2½
Commission from High Court of Bombay ...	...	1½
Showing cause against attachment before judgment...	...	1½
Total		19½

Given a month of 30 days, in which are four Sundays, four Saturdays, and two or three holidays, and we have a whole month occupied with four classes only of miscellaneous cases. Saturdays have been excluded, because they are set apart for another class of miscellaneous cases, viz. applications for new trials, when the Chief Judge sits with all the other Judges in turn to hear such applications. What applies to the Chief Judge applies with equal force to the other Judges, for this is the experience of each of the other Judges.

7. The number of postponed cases and the average time occupied in hearing cases is unfortunately very high, but it is easy to understand the difficulties (yearly increasing) which stand in the way of suits being disposed of quickly. They are shortly these:—

(1)—Defendants being summoned in greater numbers from all parts of India, and even England.

(2)—Stricter rules regarding the service of summons.

(3)—Increased facilities of communication, thereby inducing suitors and their witnesses to go to their homes more frequently.

(4)—Increased value of suits, thereby necessitating the taking of more complicated accounts.

To illustrate more forcibly the effect of the first reason shown, we may state that in one case the defendants were of Tellicherry on the Malabar Coast: they and some of their witnesses had to be examined on commission, and it was very nearly a whole year before the commission was returned properly executed. Nothing the Court here could have done would have facilitated matters. It depended entirely on the parties themselves, or on another Court.

These are difficulties most of which have arisen since the extended jurisdiction was given to the Court, and which, except in the case of No. 3, would not (but for that jurisdiction) have existed to the extent they do now.

8. Connected with the increase of 5,047 suits, the increase among those of the higher value is particularly noticeable, for those above Rs. 500 have increased by 41 and those above Rs. 1,000 by 64.

9. The sum of Rs. 1,12,576 standing to the credit of the Court is, as mentioned in paragraph 7 of our report to the High Court, the highest on record

10 Paragraph 6 of the Resolution on our Report for 1883 says:—" A note should be made in body of future reports regarding the number and average value of suits tried by consent of parties under section 20 of Act XV of 1882, and also regarding the manner in which the work of the Court was distributed." With reference to the first portion of the paragraph, we may state that section 20 of Act XV of 1882 is *mutatis mutandis* a reproduction of section 3 of Act XXVI of 1864, and no suit has ever been filed in this Court in

accordance with either section, nor have we ever heard of any suggestion of such a suit being filed.

With reference to the latter part of the paragraph, the work of the Court was distributed as follows:—

Chief Judge.—All suits and miscellaneous cases from Rs. 700 or Rs. 600 and upwards (half of the year above Rs. 600).

Second Judge.—One-third of all suits and miscellaneous cases between Rs. 15 and Rs. 700 or Rs. 600 (as the case might be), and one-fourth of all suits, &c., between Rs. 10 and Rs. 15.

Third and Fourth Judges.—Same as the Second Judge.

Registrar.—One-fourth of all suits and miscellaneous cases between Rs. 10 and Rs. 15, and all suits, &c., up to Rs. 10.

The Chief Judge takes all applications under sections 18 and 74 of Act XV of 1882, and those for appointment of guardians before suit, and the Registrar all applications in respect of execution of decrees.

On Saturdays the Chief Judge sits with the other Judges and the Registrar in turn to hear applications for new trials under section 37 of Act XV of 1882.

11. By No. 3041J., from the Secretary to the Government of Bengal, to the Chief Judge, dated 22nd December 1884, it is stated that the Lieutenant-Governor would prefer to consider the questions regarding any proposed reduction in the institution and process fees, and also the appointment of an extra Judge in the Annual Report for 1884.

With reference to the first question, we cannot do more than reproduce the letter of the Chief Judge, No. 85, dated the 6th September 1884, a copy of which is annexed.

We may add that, though we are satisfied that a reduction of the institution fees will cause an increase in the number of suits, we can only conjecture what the amount of that increase would be.

With regard to the second question, we have little hesitation in saying that as the work of the Court now stands—and so far as we can see at present it will continue much the same—it is practically impossible for the present staff of Judges to cope with it, except at the expense of ever-increasing arrears. We quite concede that as regard suits alone the numbers are not so great as in the years previous to the extension of the jurisdiction of the Court to suits of the value of Rs. 2,000. But it is not the mere number of suits that creates the work, but rather their value: 50 or 60 contested suits of the smaller values may be disposed of in one week by a single Judge, while the same period may not suffice to dispose of a single suit of higher value. The greater the value, the greater the contest and complication of details. Every Judge (and even the Registrar) has now in turn to dispose of suits of a higher value than he had formerly. It was calculated from a rough memorandum given by the Registrar of the High Court that the increase of jurisdiction would give an increase of about 250 suits above Rs. 1,000. Statistics show that it has given an increase of half as many again. Another proof of the increase of work is that of claim suits under section 278 of the Code of Civil Procedure, which are now eliminated from the category of regular suits. In addition to the above matters, the new procedure has given rise to a variety of miscellaneous applications that never existed before. Not the least important of these are applications for leave to sue under section 18 of Act XV of 1882. These, though *ex parte* applications, are not applications to be granted as of course, for the law (clause (*a*) of the section referred to) provides that the Court has in certain cases to grant the leave "for reasons to be recorded by it in writing." Sometimes, therefore, witnesses have to be examined and questions put, so that this class of applications alone occupy some time every day. Nor does the mere increase of the work caused by such applications end with them, for summonses are frequently returned unserved from other Courts, and every time the case comes on some time must be spent. Eventually, perhaps, a defendant appears from some far off place, such as the Punjab or Sylhet, and thinks it hard that his case cannot be decided immediately.

Another important class of applications is that of those for attachment of property or arrest of the person before judgment. These are made with

great frequency, and special care has to be exercised before they can be granted.

We now propose to show by reasonable illustrations how the work can and must get into arrears, and in showing this we deal with contested cases ripe for hearing or postponed only because the Court cannot hear them.

Let us begin with the Chief Judge (who hears cases above Rs. 600 or Rs. 700), and suppose that he has two cases to hear every day. It may be that he can dispose of both in one day, but this is not likely, for such cases occupy from one to seven days in hearing: every day therefore that a case is being heard creates an arrear of the other two cases. It could be shown how this calculation is really far short of the mark.

Let us then take a moderate board of any of the remaining Judges (who take cases from Rs. 10 to Rs 600 or Rs. 700). Such a board will probably at a moderate estimate consist of 15 postponed cases and 25 fresh cases, making altogether 40 cases. Let us suppose that the Judge sits punctually at 11 o'clock, and 30 out of the 40 cases are decreed *ex parte* or go off, or are postponed for various reasons. It will be 12 o'clock at the earliest before these are disposed of. At 12 o'clock, therefore, he has ten cases ready for hearing. It is more than likely that one of these will be a claim suit in respect of property attached This will occupy at least two hours, viz. up to 2 o'clock. At 2 o'clock he rises for lunch, and it will be ¼ to 3 before he has disposed of any small applications and ready to continue. If, therefore, each of the remaining nine cases occupies a quarter of an hour, he will have satisfactorily disposed of his board by 5 o'clock. Such a favourable contingency is entirely at variance with common experience. But suppose his board consists of 60 cases instead of forty, it will be nearly 1 o'clock before he has disposed of all the non-contested cases, and he may then have 20 cases to dispose of. Very rarely, however, would he be able to dispose of even half of these in his day's work. Or suppose that any one of his cases is an intricate shipping or mercantile case, or one in which forgery is alleged, which may last two or three days: an arrear of 30 or 40 cases is soon created.

Lastly, we come to the Registrar's Court, where cases do not exceed Rs. 20 in value. On a moderate day he may be able to dispose of his whole board, for cases of such small value are generally very quickly disposed of. But on the heavy days when he may have as many as 50 or 60 fresh cases, he also must get into arrears. As connected with this work it may be mentioned that the Registrar has not only to deal with a larger number of miscellaneous applications than formerly, but also to get through a certain amount of purely ministerial work daily and this in addition to his Court work.

So far we have endeavoured to deal with typical moderate boards, and we are free to admit that there are days when by reason of fortuitous circumstances a board falls through, or practically falls through altogether, but such days are quite exceptional. Again, there are periods (notably for about two weeks after the Dusserah vacation, and for about three weeks before the native New Year's day) when the boards are somewhat light. These periods of lightness, however, are more than counterbalanced by a period of exceptional heaviness for at least two months preceding the Dusserah vacation, when creditors are specially desirous of obtaining their money. We have in a previous report (1872-73, paragraph 12) remarked how the work is apt to come in rushes, and as an illustration we may give the number of cases fixed for each day during two weeks in November last, a month not an exceptionably heavy one.

	Postponed cases.	Fresh cases.	Total.
10th November	91	320	411
11th "	75	235	310
12th "	63	229	292
13th "	76	147	223
14th "	83	168	251
15th " (Saturday) on which day regular suits are only occasionally heard.			
17th "	86	231	317
18th "	84	148	232
19th "	78	150	228
20th "	83	120	203
21st "	90	100	190

These long boards were practically distributed between the three Judges (other than the Chief Judge) and the Registrar, and if a calculation is made it will be remarked that on no single day could any board have been as light as the typical moderate boards set out. Even taking the last day, on which 190 cases were fixed, and allowing 10 for the Chief Judge, there would still be an average of 45 cases for each of the other Judges and the Registrar.

The Court is called a Court of Small Causes. The theory of such a Court, as exemplified by the title of its first Act (IX of 1850) is for the more easy recovery of small debts and demands. But it has long ceased to be so, except in name. We cannot but think that, looking at the large revenue which the Court yields every year, some portion at least might be utilized in giving to suitors advantages for which they pay so heavily, but do not really obtain. This is the yearly net surplus revenue produced by the Court and credited to Government during the last ten years:—

	Rs.
1875-76	47,291
1876-77	35,082
1877-78	67,359
1878-79	81,105
1879	73,618
1880	71,906
1881	78,337
1882	66,700
1883	71,954
1884	1,12,576

An expenditure, therefore, of even Rs. 20,000 per annum for an additional Judge and all necessary staff to meet the requirements of an additional Court sitting would not form an improper item out of such surplusses as these. And we think that such an amount will always be available even if the fees are reduced, for the increase of suits will help to swell what would otherwise be a decrease in fees.

The complaints of suitors at times form matter for very serious consideration. One man may say—"I expected to get my case heard in reasonable time. I want to get away to my home, and it has been postponed again and again." Another may say—"I have been brought here from a long distance, and every day that I am kept in Calcutta is so much expense, inconvenience, and even loss to me." Moved by such a class of complaints, cases are frequently taken out of their turn only to raise fresh complaints from other litigants, who in their turn contend that their cases are the oldest and ought not to be shouldered out by reason of the fortuitous circumstance of other litigants residing outside Calcutta. Excess of work in a Small Cause Court is in fact a great evil, in so far as it gives facilities to debtors to raise defences which they would not raise otherwise. The people of this country are remarkably acute in such matters; and they soon find out when a Court is overwhelmed with work, so that a debtor will often raise some defence in order that the evil day may be postponed as far off as possible. In dealing with all these questions we desire it to be borne in mind that the population of Calcutta is a shifting one, and that every additional facility of communication created increases the difficulties with which the Court has to contend in the hearing of cases. A suitor has been known to say—"I have got all my witnesses here to-day, but if the case is not heard for another two or three months, I don't know where they will be." Experience teaches us that such a remark is but too true. If the class of complaints referred to were only occasional, we should say nothing; but they occur frequently and are consequently no light matter. Only recently enclosure No. 520J., dated the 5th February 1885, from the Under-Secretary to the Government of Bengal, to the Chief Judge, forwarded a petition which had been made by a litigant to the Viceroy and Governor-General complaining that his cases had been postponed from time to time, and that he could not get them heard.

After again perusing letter No. 1064, dated the 25th July 1882, from the Secretary to the Government of India, to the Secretary to the Government of Bengal, we remark that the Government of India was pleased to compare the work of the Court of Small Causes of Calcutta with that of the other Presidency

Small Causes Courts, and that the letter states—" His Excellency in Council would prefer to wait and see the actual effect of the new Presidency Small Cause Courts Act XV of 1882) on the working of the Court." The working of the Court has been now fairly shown by the illustration set out, and though it may be said that the comparison of the working of other similar Courts form some criterion of the work done, they do not necessarily do so.

Some explanation may be derived from the fact that both the Madras and the Bombay Courts have to deal with a far larger proportion of suits on " written promise for sum certain." Taking the years 1883 and 1884, we find such suits in following proportions:—

Calcutta ...	...	5,404	such suits out of a	total of	31,074
Madras ..	...	8,424	"	"	" 25,074
Bombay ...	...	15,089	"	"	" 29,440

These are the very suits which are the most easy to try, because they must perforce be less complicated, and the defences raised, except in rare instances, be simple ones. It can readily therefore be understood that the work in the other Presidency Courts is more simple than in the Calcutta Court. But there are two statistics which speak clearly for themselves. *Firstly*, that the Calcutta Court in the course of the last ten years has yielded a much larger revenue than either of the other Presidency Small Cause Courts; and *secondly*, that the number of days on which it actually works is also greater. In the *table* given above will be found the *revenue* derived from the Calcutta Court. During the same period (omitting 1884, for which reports of the other Courts have not been received) the Madras Court has never yielded a higher revenue than Rs. 46,119 and the Bombay Court than Rs. 55,192. During 1883 the Calcutta Court sat 265 days, the Madras Court 230, and the Bombay Court 247. To which last may be added the return set out in paragraph 6 of the report to the High Court, which (after making allowance for regular holidays) shows that each Judge of the Calcutta Court does about a month and a half more work every year than each Judge of the other Courts

12. In making a request for an additional Judge, we are quite aware that the Government of India may be burdened with similar requests from other quarters. We do so, however, with less diffidence than we should otherwise, not only on account of the large surplus standing to the credit of this particular Court, but also on account of the further facts that this Court works for a larger number of days in the course of the year than we believe any other exclusively Civil Court in the whole of India.

13. We regret also to add that there is no proper accommodation for an additional Court in the present building. There is only one room suitable for a Court, but this is used partly as a library and partly as a record-room, any vacant space being required for the yearly increasing records.

We have the honour to be,

SIR,

Your most obedient servants,

H. MILLETT,
GIDEON C. SCONCE,
THOMAS JONES,
SREE NATH ROY,
} *Judges.*

No. 85, dated Calcutta, the 6th September 1884.

From—H. MILLETT, Esq., Chief Judge, Court of Small Causes of Calcutta,
To—The Secretary to the Government of Bengal, Judicial Department.

IN reply to paragraph 2 of No. 1203J., dated the 13th March 1884, from the Under-Secretary to Government of Bengal to myself, the Judges of this Court have considered the question regarding the reduction of the institution fees on suits in this Court. and the majority have come to the conclusion that the institution fees in all suits up to the extent of Rs. 500 might reasonably be reduced by two pice in the rupee ; that is to say, that instead of the institution fee being 2 annas in the rupee, as provided by section 7, of Act XV of 1882, it might be reduced to one and-a-half-annas in the rupee. Mr. Jones, however, thinks that they might be reduced by one anna in the rupee, an opinion which is not concurred in by the other Judges, as this would reduce the fees to a scale lower than that provided by the Court Fees Act. If there is a reduction of the institution fees, there ought also to be a proportionate reduction of fees for summonses and other processes (*vide* Fourth Schedule to Act XV of 1882).

2. The Judges hoped that by going into statistics of the last few years they might derive some help as to the probable effect of any reduction, but they find that no such help can with any certainty be obtained.

3. It necessarily follows that if the institution fees are reduced by two pice in the rupee, the revenue of the Court will be reduced by so much, and in round figures (the exact sum not being ascertainable) if the institution fees last year had been one and a-half-annas in the rupee, instead of two annas up to Rs. 500, the revenue of the Court would have been reduced by Rs. 52,000. But the Judges think that this is a matter that ought not to be taken into consideration in determining the question, for it is evident that unless, the fees are reduced to a very great extent, the Court will always do more than pay its own expenses.

4. It is more than probable that the effect of reducing the fees would be to increase largely the number of suits below Rs 500, and possibly some above that amount, and cheaper litigation would be but little benefit to the public, unless it were accompanied with equal facilities for having their disputes determined. The present staff of the Court, both judicial and ministerial, cannot stand any further addition of work, for up to the end of August in this year the number of institutions have already increased to the extent of 4,291 over and above the institutions during the corresponding period of last year.

5. An apt illustration of the effect of cheaper litigation is shown by the increased number of claims under section 270 of the Code of Civil Procedure. Last year 323 only were instituted. This year they have already up to the end of August increased to the number of 367. They form the most troublesome class of litigation with which this Court has to deal, the large majority of such claims being defended.

6. In order to show the difference between the fees payable in a mofussil Court and those payable in a Presidency Court, I have annexed a comparative table of the ordinary fees payable in both Courts in a suit for Rs. 50. Fees in the Presidency Courts are manifestly much higher, and it is but fair that they should be more equalized. At the same time. it must be remarked that suitors in the Presidency Courts can, under section 73 of Act XV of 1882, receive back half their costs when a suit is settled by agreement of parties, and this section is taken advantage of to a very great extent.

Comparative Table of Fees payable in the Presidency Small Cause Court and in Mofussil Small Cause Court in a suit for Rs. 50 by Plaintiff or Defendant, as the case may be.

On what fees payable.	Presidency.			Mofussil.		
	Rs.	A.	P.	Rs.	A.	P.
Plaint	6	4	0	3	12	0
Summons to defendant	0	8	0	0	8	0
Summons to each witness	0	8	0	0	4	0
Application for attachment of property ...	0	8	0	0	8	0
Ditto for arrest of person ...	0	8	0	0	1	0
Warrant for above.						
Application for review of judgment or new trial	Nil.			3 12 0 or 1 14 0		
* Authenticated copy of judgment or order not a decree	1	0	0	0	4	0
* Authenticated copy of decree or order having force of decree	0	8	0	0	8	0
Application (not otherwise provided for) ...	Nil.			0	1	0
Ditto to sue as pauper	Nil.			0	8	0
Bail bond or other instrument of obligation	0	4	0	0	8	0

* In the Presidency Court parties can get unanthenticated copies of written judgments or evidence without fee, if they take them themselves. In the mofussil they can get only authenticated copies by paying fees on them.

C. Y. C. BOLST,
Clerk of the Court.

JUDICIAL FORM No. 1.

Showing the general result of the disposal of Cases in the Court of Small Causes of Calcutta in the year 1884.

COURT OF SMALL CAUSES OF CALCUTTA.

2.	Number of suits pending on the 1st January 1884 ...	1,801
3.	Number of suits instituted during the year 1884 ...	31,074
	Number of suits disposed of during the year 1884—	
4.	Dismissed for default or want of prosecution	2,995
5.	Withdrawn with leave under section 373 of the Civil Procedure Code	816
6.	Compromised	11,492
	Without contest—	
7.	Decreed on confession	2,449
8.	Decreed *ex parte*	7,001
9.	Dismissed *ex parte*	70
	With contest—	
10.	Judgment for plaintiff in whole or in part	3,708
11.	Judgment for defendant	1,140
	On reference to arbitration—	
12.	For plaintiff	368
13.	For defendant	172
14.	Total disposed of	30,211
15.	Pending at the end of the year	2,664
	Average duration of suits—	
16.	Contested, including cases referred to arbitration ...	114·4
17.	Uncontested	13·1

18. REMARKS.—There were 20 claim suits (section 278, C. P. C.) pending on 1st January 1884 and 485 instituted during the year 1884, of which 12 dismissed for default or want of prosecution, 10 compromised, 6 decreed on confession, 2 decreed *ex parte*, 348 judgment for plaintiff (with contest), and 93 judgment for defendant (with contest), leaving 34 pending at the end of the year.

The number of commissions received from other Courts for execution is 93. Sixty-four returned unexecuted and 20 executed. Nine pending at the close of the year.

The distraint cases have been shown in Statment No. 6.

COURT OF SMALL CAUSES OF CALCUTTA, R. SEN,
The 23rd March 1885. *Registrar.*

JUDICIAL FORM No. 2.

Showing the Number and Description of Suits pending and instituted in the Court of Small Causes of Calcutta in the year 1884.

NATURE OF CLAIM.		Number of suits instituted during the year 1884.
Money due on contract ...	On written promise for sum certain	5,404
	On unwritten promise for sum certain	7,228
	On account stated	1,520
	On balance of account, partnership, or otherwise ...	.....
	Money paid or received	642
	For goods sold and delivered	11,803
Rent not falling under the Rent Law		3,100
Damages	For injuries to person	97
	For injuries to property	361
	For other injuries not included in the above ...	117
	For breach of contract not included in the above ...	251
Title and other suits ...	For recovery of possession of immovable property under chapter VII of the Presidency Small Cause Courts Act	178
	Suits under the Summary Procedure, Chapter XXXIX of the Civil Procedure Code ...	2
	Other suits not falling under any of the previous heads	371
	Application under section 278 of the Code of Civil Procedure	485
	Other applications	5,929
	Total ...	37,488

COURT OF SMALL CAUSES OF CALCUTTA, R. SEN,
The 23rd March 1885. *Registrar.*

JUDICIAL FORM No. 3.

Showing the Value of Suits instituted in the Court of Small Causes of Calcutta in the year 1884, *together with Fees and Costs received in Stamps.*

1	2	3	4	5
INSTITUTIONS.	Number of	Total value of	Fees and costs received in stamps.	REMARKS.
		Rs. A. P.	Rs. A. P.	
Suits not exceeding Rs. 5 ...	4,821	15,405 10 0	2,478 4 0	This statement does not include any „ miscellaneous cases.
Ditto „ 10 ...	5,590	41,914 12 9	5,933 14 0	
Ditto „ 20 ...	6,467	96,108 6 1	13,585 1 0	
Ditto „ 50 ...	6,692	2,20,241 12 7½	31,475 12 0	
Ditto „ 100 ...	3,177	2,34,144 11 10½	32,724 1 0	
Ditto „ 500 ...	3,402	7,19,791 12 0½	98,286 2 0	
Ditto „ 1,000 ...	546	3,65,047 13 5	42,870 6 6	
Ditto „ 1.500 ...	229	2,83,149 11 6	26,625 8 0	
Ditto „ 2,000 ...	116	2,04,011 14 7	17,235 9 6	
Suits in which an excess above Rs. 2,000 was abandoned ...	34	68,000 0 0	5,474 8 0	
Total ...	31,074	22,47,816 8 10½	2,76,689 2 0	

COURT OF SMALL CAUSES OF CALCUTTA,
The 23rd March 1885.

R SEN,
Registrar.

JUDICIAL FORM No. 4.

Showing the disposal of Suits according to Value by each Judge of the Court of Small Causes of Calcutta during the year 1884.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
BY	JUDGMENT FOR PLAINTIFF.			JUDGMENT FOR DEFENDANT.			Settled by agreement.	Withdrawn with leave or dismissed under sections 97, 98, or 102 of the Code.	Other miscellaneous cases (a).	Grand total.	Number of days on which each Judge actually sat in Court.	VALUE OF SUITS DISPOSED OF.									
	Contested.	Uncontested.	Total.	Contested.	Uncontested.	Total.						Not exceeding Rs. 5.	Not exceeding Rs. 10.	Not exceeding Rs. 20.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 1,500.	Not exceeding Rs. 2,000.	Suits in which an excess value Rs. 2,000 was abandoned.
												Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Chief Judge ...	79	263	342	27	2	29	210	61	32	674*	259	...	...	...	2	3	34	261	218	114	10
Second „ ...	1,007	2,286	3,293	251	13	264	2,706	618	139	7,020	258	241	460	1,816	2,158	1,014	1,092	99	...	1	...
Third „ ...	1,047	2,318	3,365	340	19	359	2,598	572	93	6,987	259	318	455	1,741	2,096	1,044	1,073	69	...	...	...
Fourth „ ...	1,025	2,151	3,176	217	10	227	2,678	613	156	6,850	240	259	477	1,706	2,243	1,029	1,022	59	...	...	1
Registrar ...	918	2,432	3,350	477	26	503	3,300	1,947	51	9,151	263	3,913	4,162	1,021	...	...	...	...	...	...	...
Total ...	4,076	9,450	13,526	1,312	70	1,382	11,492	3,811	471	30,682	1,279	4,731	55,554	6,284	6,499	3,090	3,221	488	218	115	11

MEMORANDUM.

	Days.
The Court was closed on account of Sundays ...	52
Ditto ditto Christian holidays ...	11
Ditto ditto Hindu holidays ...	9
Ditto ditto Muhammadan holidays ...	6
Ditto ditto Vacation ...	20
Ditto ditto Other holidays ...	3
Total ...	101

N.B.—There was no Third Judge for one day, and no Fourth Judge for eleven days.

* In addition to this number the Chief Judge disposed of 167 contested suits and miscellaneous cases taken up from the other Judges, but which, to save departmental inconvenience, are not included in it.

(*a*) Includes only claim suits under section 278 of the Code of Civil Procedure.

COURT OF SMALL CAUSES OF CALCUTTA,
The 23rd March 1885.

R. SEN,
Registrar.

JUDICIAL FORM No. 5.

Showing the result of proceedings on applications for the execution of decrees in the Court of Small Causes of Calcutta in the year 1884.

1.	Number of applications pending on the 1st January 1884 ...	409
File—		
2.	The decrees being those of the Court where execution is taken out	16,032
3.	The decrees being those of other Courts transferred for execution	210
4.	Total	16,651
Application disposed of—		
5.	Transferred to another Court under section 223 ...	506
6.	Completely executed	5,796
7.	Partly executed	6,184
8.	Wholly infructuous	3,637
9.	Total	16,123
10.	Pending at end of year	528

		Rs.	A.	P.
Amount realized—				
11.	With the issue of process	2,46,451	1	5
12.	Without the issue of process	2,29,159	15	0

Number of applications on which—		
13.	The judgment-debtor was imprisoned	440
14.	He was arrested under section 336, but released without imprisonment	369
15.	Property was sold	710
16.	Property was attached, but released	1,508
17.	Possession was given of immoveables	47

COURT OF SMALL CAUSES OF CALCUTTA,
The 23rd March 1885.

R. SEN,
Registrar.

JUDICIAL FORM No. 6.

Showing the statistics of the Distraint Department of the Court of Small Causes of Calcutta for the year 1884.

Number of applications—		
1.	Pending on the 1st January 1884	7
2.	Admitted	248
4.	Total	255
Number of distresses—		
Compromised—		
5.	Before distress	29
6.	After distress	148
7.	Number of sales	57
8.	Distresses set aside	11
9.	Unexecuted	6

		Rs.	A.	P.
10.	Amount of rent for which distresses were issued .	23,721	6	8
11.	Amount realized by sale	4,376	8	6
12.	Amount levied and paid into Court	8,609	4	4
13.	Commission and fees realized	3,706	4	0

14. REMARKS.—Four applications pending at the end of the year 1884.

COURT OF SMALL CAUSES OF CALCUTTA,
The 23rd March 1885.

R. SEN,
Registrar.

JUDICIAL FORM No. 7.

Showing the Receipts and Charges of the Court of Small Causes of Calcutta for the year 1884.

	Rs.
Receipts—	
In Small Cause Court Stamps—	
1. Institution summons and process fees	3,21,060
2. Other fees	359
In Cash—	
3. Fines	63
4. Other receipts	3,034
5. Total	3,24,516
Charges—	
6. Salaries of Judges and Registrar—	
Chief Judge	30,000
Second Judge	16,405
Third Judge	15.343
Fourth Judge	13,854
Registrar	8,994
Total	84,596
Establishment—	
7. Serving officers and bailiffs	21,033 (*a*)
8. Others	56,652
9. Contingencies	2,054
10. Refunds	47,605
11. Total	2,11,940
12. Excess of column 5 over column 11, being the amount credited to Government	1,12,576

(*a*) Includes Rs. 5,056 on account of commissions to bailiffs.

COURT OF SMALL CAUSES OF CALCUTTA,
The 23rd March 1885.

R. SEN,
Registrar.

JUDICIAL FORM No. 7A.

Statement of Indigent Debtors relieved from the Charity Fund of the Court of Small Causes of Calcutta for the year 1884—(Vide *Government letter No.* 870*T.*, *dated* 1*st October* 1863.)

Date and month.		Names of Parties relieved.	Amount. Rs.	A.	P.
January 1884 ...	14th ...	Billy Hyder (by order of the 4th Judge)	17	14	0
April ,, ...	29th ...	Mrs. Jane Manuel (by order of the Chief Judge)	16	9	0
May ,, ...	27th ...	Kadi Dasi (by order of the 2nd Judge)	41	0	0
September ,, ...	2nd ...	A. M. Crouch (by order of the 2nd Judge)	24	3	9
,, ,, ...	4th ...	Mr. Gomez (by order of the Chief Judge)	5	11	0
October ,, ...	23rd ...	Noyan Hurry (by order of the 2nd Judge)	11	12	0
,, ,, ...	27th ...	J. Bringman (by order of the Chief Judge)	18	10	0
November ,, ...	5th ...	Dukhee Bewah (by order of the 2nd Judge)	8	0	0
December ,, ...	1st ...	D. E. Lepies (by order of the Chief Judge)	96	12	3
,, ,, ...	3rd ...	S. H. Van Greekan (by order of the 2nd Judge)	6	8	3
		Total ...	247	0	3

MEMORANDUM.

		Rs.	A.	P.	Rs.	A.	P.
Balance of the Charity Fund on 31st December 1883					205	1	5
Receipt of the Fund during 1884 as follows :—							
February 1884.	Contribution from parties ...	8	0	0			
March ,,	Ditto ditto ...	12	0	0			
May ,,	Half-yearly interest on the invested capital in Government promissory notes, Rs. 6,100, received from Accountant-General ...	122	0	0			
November	Ditto ditto ...	122	0	0			
					264	0	0
	Total ...				469	1	5
Payments from the Fund as above					247	0	3
Balance on 31st Decemre 1884					221	1	2

COURT OF SMALL CAUSES OF CALCUTTA,
The 23rd March 1885.

R. SEN,
Registrar.

No. 16, dated Calcutta, the 9th February 1885.

From—The Judges of the Court of Small Causes of Calcutta,
To—The Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Jurisdiction.

We have the honour to submit to the Hon'ble Judges of the High Court the business of this Court for the year 1884.

2. The orders of Government prescribed a set of statistical details differing from those required by the High Court, and in the arrangements made for giving effect to both sets of orders, the registration of details under column 7 of Annual Statement 4 (Suits), and columns 7, 23, 24 and 25 of Annual Statement 4 (Miscellaneous) were overlooked. In order, however, that the statement of miscellaneous cases may be rendered in future as complete as possible, it will embrace a larger number of such cases than the number included during the year under review.

3. There is a very large increase in the number of suits instituted. In 1883, 26,027 were instituted, as against 31,074 in 1884, giving the increase of 5,047. The following comparative table shows the increase more definitely:—

Value of suits.	1883.	1884.	Increase.
Up to Rs. 10	8,387	10,411	2,024
" 50	11,020	13,159	2,139
" 100	2,776	3,177	401
" 500	3,024	3,402	378
" 1,000	505	546	41
Over Rs. 1,000	315	379	64
	26,027	31,074	5,047

4. The cases were disposed of as follows:—

Pending in 1883	1,801
Instituted in 1884	31,074
	32,875
Decreed in favour of plaintiff after contest	4,076
Ditto ditto without contest	9,450
Dismissed after trial	1,312
Withdrawn with leave	816
Compromised	11,492
Dismissed for default or want of prosecution	2,995
Dismissed uncontested	70
Pending at the close of the year	2,664
	32,875

5. The increase in the number of suits instituted is very high, and it may be said that the institutions have now come back nearly to the former condition of things that existed before the extension of the jurisdiction to Rs. 2,000 in the year 1882. In our report last year we remarked "a comparison of the two years (*i.e.* 1882 and 1883) is not a correct test, for the old procedure was still in force up to the 1st July 1882, and it is to the new procedure, as stated in last year's report, that we attribute that falling off in suits. especially those of a lower value. A comparison of the years 1883 and 1884 may possibly be a reasonable comparison." We have little hesitation in attributing this increase to two causes—*firstly*, that the people having now become more accustomed to the new procedure resort to the Court with greater freedom; and *secondly*, to the fact that creditors have greater security for their loans, in so far as they are able to seize and sell tiled huts in execution of their decrees. Neither of these causes would have come much into operation in the course of the last year.

6. As a necessary consequence, figures in all the returns are higher, and we do not know that they call for any particular remark; but we have to state that we find it practically impossible with the present staff of Judges to cope with the work. This, however, will form the subject of remark in our report to the Local Government. We think we are fairly justified in contrasting our working days with those of other Presidency Small Cause Courts, taking the year 1884 for us as against the year 1883 for them.

Number of days each Judge sat in Court.

	Calcutta, 1884.	Madras, 1883.	Bombay, 1883.
Chief Judge	259	239	210
Second Judge	258	220	213
Third Judge	259	217	215
Fourth Judge	240	.....	213
Registrar	263	219*	

* In Madras the Registrar was absent for seven weeks.

In Calcutta there was no Third Judge for one day and no Fourth Judge for eleven days.

The 239 days on which the Chief Judge at Madras sat, include a certain number of days during the vacation, but the days on which any Judge sat in Calcutta during the vacation are not included in our return, nor we believe in that of the Bombay Court.

7 After paying all expenses, the amount credited to Government was Rs. 1,12,576. This is the largest amount ever yet so credited. The previous highest amount was Rs. 88,011 in 1865-66. The amount last year was Rs. 71,954, so that the present amount is Rs. 40,622 in excess of last year and Rs 24,564 in excess of any previous year.

8. Three thousand five hundred and seventy-three processes were received from the mofussil courts for service, and of these 2,341 were served.

9. One thousand two hundred and ninety-five applications for leave to sue were presented under section 18 of Act XV of 1882, of which 1,202 were allowed and 93 refused. The number presented shows an excess of 427 over last year. We much question whether this Court is ripe for such a class of applications. The Judge to whom such applications are made has constantly to be on his guard to take care that other Courts are not unnecessarily burdened with summonses that ought never to be sent to them. As an illustration of the manner in which such applications are sometimes made, we may mention that an application was once made to send a letter by post to Helensburgh, New Brunswick, Canada. It turned out that the plaintiff had got the direction Helensburgh N. B., but had not ascertained the proper meaning of N. B.

10. The Court-house and Library are in good order, but there is still considerable difficulty arising from the want of space for increasing records. With reference to this we desire to state that the rules regarding the destruction of records in this Court, published in the *Calcutta Gazette* of the 7th January 1880 (page 8), might with reason be amended, giving the Court also power to destroy "records of judgements." These are the plaints *plus* the records of proceedings (mostly on one sheet of paper), bound up in large books which increase at the rate of about 80 yearly. Such can be but of slight importance, for only on two occasions within the last three years has the Record-keeper of this Court ever been called upon to produce any such records of judgments more than ten years old. Certain books called "After Judgment Proceeding Books" are kept, and these might help to give information required in those rare cases when plaints more than ten years old are required. We venture to recommend, therefore, that plaints more than 15 years old may be destroyed. There is yet another class of records which has to be dealt with. This class consists of numerous books containing applications for summonses to witnesses. They increase at the rate of about 25 per year, and so far as we can judge are never required after two or three years. With regard to these books, the Record-keeper has during the last three years been called on to produce only one of them outside the precincts of the Court, and that one which was less than two years old. We suggest, therefore, that these books may be destroyed after three years.

ANNUAL STATEMENT 1 (CIVIL).

FOR THE DISTRICT JUDGESHIP OF THE COURT OF SMALL CAUSES OF CALCUTTA FOR THE YEAR 1884.

PART I.—*List of Judicial Divisions with Area and Population.*

1.	Name of District Judgeship	Court of Small Causes of Calcutta.
2.	Name of Collectorate	Presidency.
3.	Names of Moonsifees	None.
4.	Area in square miles	Eight.
5.	Population	4,33,219

PART II.—*Return showing the total number of Judicial and Revenue Officers exercising jurisdiction in Civil and Revenue Cases at the close of the year, their class, and powers. Also the number of working days that officers of each class, employed in the district during any part of the year, were engaged in each department.*

CIVIL COURTS.

(DISTRICT CALCUTTA).

SMALL CAUSE COURT JUDGES.

2. Exercising civil powers only	4
Total number of working days employed—	
6. On civil work	265

Grades of Judicial Officers.		European.	Native.	REMARKS.
Officers exercising original jurisdiction only.	Small Cause Court ges.	3	1	A Registrar exercises judicial powers in suits up to the value of Rs. 20, and quasi-judicial powers in other matters.

COURT OF SMALL CAUSES OF CALCUTTA,
The 9th February 1885.

R. K. SEN,
Registrar.

PART III.—*Statement showing the Receipts and Charges of the several grades of Civil Courts and the proportion of the salary of Judicial Officers debitable to Civil Justice.*

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT.

	Rs.
Receipts—	
In court fee stamps—	
2. Process fees	3,21,060
3. Other fees	359
In cash or special stamps—	
4. Fines	63
5*a*. Other receipts credited to Government	3,034
6. Total	3,24,516
Charges—	
Salaries of Judicial Officers—	
7. Gross	84,596
8. Share debitable to Civil Justice	84,596
Establishment—	
9. Process-servers	21,033 (*a*)
10*a*. Others	56,652
Contingencies—	
11*a*. Other contingencies	2,054
12. Refunds	47,605
13. Total of Columns 8 to 12	2,11,940

14. Remarks—(*a*) includes Rs. 5,056 on account of commission to bailiffs. Net Rs. 1,12,576 credited to Government.

COURT OF SMALL CAUSES OF CALCUTTA,
The 9th February 1885.

R. K. SEN,
Registrar.

ANNUAL STATEMENT 2 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Court of Small Causes of Calcutta in the year 1884.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT.

Suits for money or moveable property—

2.	Contract in writing	5,406
3.	Contract not in writing	3,217
4.	On account stated	1,520
5.	Money had and received	642
6.	Goods sold	11,803
7.	Wages, work, and materials	4,011
8.	Rent not falling under the Rent Law	3,100
9.	Moveable property or value thereof	361
10.	Damages	465
11.	Other suits for money or moveables not already mentioned ...	549
12.	Total	31,074

R. K. SEN,
Registrar.

COURT OF SMALL CAUSES OF CALCUTTA,
The 9th February 1885.

ANNUAL STATEMENT 3 (CIVIL).

Statement showing Number and value of suits instituted in the Court of Small Causes of Calcutta in the year 1884.

COURTS AT THE PRSIDENCY.

PRESIDENCY SMALL CAUSE COURT.

Number of suits instituted in the different Courts—

Value not exceeding Rs. 10—

2.	Suits for money or moveables	10,411

Value not exceeding Rs. 50—

5.	Suits for money or moveables	13,159

Value not exceeding Rs. 100—

8.	Suits for money or moveables	3,177

Value not exceeding Rs. 500—

11.	Suits for money or moveables	3,402
14.	Value not exceeding Rs. 1,000	546
15.	Value not exceeding Rs. 5,000	379
20.	Total	31,074
21.	Total value of suits	22,47,816-8-10½

R. K. SEN,
Registrar.

COURT OF SMALL CAUSES OF CALCUTTA,
The 9th February 1885.

ANNUAL STATEMENT 4 (CIVIL).

PART I.—CIVIL SUITS.—*Statement showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Court of Small Causes of Calcutta in the year* 1884.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT.

Number of suits before the Courts—	
2. Pending from last year	1,801
3. Instituted in 1884	31,074
8. Total for disposal	32,875
Number of suits disposed of—	
Without trial—	
10. Plaint rejected or returned	2,182
11. Dismissed for default or want of prosecution ...	813
12. Withdrawn with leave	816
Without contest—	
13. Compromised	11,492
14. Decreed on confession	2,449
15. Decreed *ex parte*	7,001
16. Dismissed *ex parte*	70
On reference to arbitration—	
17. For plaintiff	368
18. For defendant	172
With contest—	
19. Judgment for plaintiff in whole or part	3,708
20. Judgment for defendant	1,140
21. Total disposed of, omitting transfers	30,211
22. Pending at close of year	2,664
23. Number of cases pending more than three months at the close of the year	607
Average duration of suits—	
Contested—	
24. Number of cases (columns 17 to 20)	5,388
25. Aggregate number of days occupied in trial ...	616,378
26. Average number of days	114·4
Uncontested—	
27. Number of cases (columns 10 to 16)	24,823
28. Aggregate number of days occupied in trial	327,871
29. Average number of days	13·1

30. REMARKS—Number of days the Court sat 265.

COURT OF SMALL CAUSES OF CALCUTTA,
The 9th February 1885.

R. K. SEN,
Registrar.

ANNUAL STATEMENT 4 (CIVIL).

PART II.—MISCELLANEOUS CASES (JUDICIAL).—*Statement showing the general result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Court of Small Causes of Calcutta in the year* 1884.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT.

2. Suits remaining from last year	27
3. Instituted in 1884	826
8. Total for disposal	853
Disposed of—	
Without trial—	
11. Dismissed for default or want of prosecution	76
12. Withdrawn with leave	19
Without contest—	
13. Compromised	39
14. Decreed on confession	188
15. Decreed *ex-parte*	17
With contest—	
19. Judgment for plaintiff in whole or part	363
20. Judgment for defendant	104
21. Total of columns 10 to 20, *i.e.*, disposed of, omitting transfers ...	806
22. Pending at close of year	47

R. K. SEN,
Registrar.

COURT OF SMALL CAUSES OF CALCUTTA,
The 9th February 1885.

ANNUAL STATEMENT 6 (CIVIL).

Statement showing the result of Proceedings on Applications for the Execution of the Decrees of the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1884.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURTS.

Number of applications dealt with—			
2.	Pending at the end of 1883	409	
Filed—			
3.	The decrees being those of the Court where execution is taken out	16,032	
4.	The decrees being those of other Courts transferred for execution	210	
6.	Total	16,651	
Applications disposed of—			
Transferred—			
7.	To another Court under section 223	506	
9.	Wholly or partly satisfied	11,980	
10.	Wholly infructuous	3,637	
11.	Total	16,123	
12.	Pending at the end of 1884	528	
Detail of entries in column 9—			
14.	Satisfaction obtained in full	5,796	
15.	Satisfaction obtained in part	6,184	
16.	Satisfaction obtained through the Court	10,169	
17.	Adjusted under section 258	1,811	
18.	Satisfaction obtained with the issue of process ...	5,797	
19.	Ditto without the issue of process ...	6,183	
Amount realized—			
20.	With the issue of process	2,46,451	1 5
21.	Without the issue of process	2,29,159	15 0
Number of applications—			
22.	On which the judgment-debtor was imprisoned ...	440	
23	On which he was arrested under section 336, but released without imprisonment	369	
On which his moveable property—			
24.	Was sold	710	
25.	Was attached, but subsequently released under section 275	1,508	
On which possession was given—			
31.	Of immoveables, sections 263 and 264	47	

COURT OF SMALL CAUSES, CALCUTTA,
The 9th February 1885.

R. K. SEN,
Registrar.

W. J. & H. P.—Reg. No. 17576J—245—3-4-85.

RESOLUTION.

JUDICIAL.

Dated Darjeeling, the 6th May 1885.

READ—

The Report of the Judges of the Small Cause Court, Calcutta, for 1884.

The year under review was the second complete year throughout the Presidency Small Cause Courts Act of 1882 was in force.

2. The following statement shows the number of suits which came the Court, and the manner in which they were disposed of, in each of three years:—

	1884.	1883.	1882.
Pending from the previous year ...	1,801	1,557	1,333
Instituted during the year ...	31,074	26,027	29,553
Total ...	32,875	27,584	30,886
Decreed in favour of plaintiff after contest...	4,076	3,859	4,397
Decreed in favour of plaintiff without contest...	9,450	7,478	8,141
Dismissed after trial	1,312	1,352	1,358
Nonsuited or withdrawn ...	816	920	1,641
Compromised	11,492	9,599	11,040
Dismissed for default of plaintiff ...	2,995	2,514	2,704
Dismissed uncontested	70	61	48
Pending at close of the year ...	2,664	1,801	1,557
Total ...	32,875	27,584	30,886

There was thus an increase of 5,047 in the number of suits instituted compared with the figures of 1883, and of 1,521 compared with those of 1882. In 1882 the old procedure was in force for the first six months of the year. The increase is attributed by the Judges to two causes—*firstly*, to the people having now become more accustomed to the new procedure, and resorting to the Court with greater freedom; and *secondly*, to the fact that creditors have greater security for their loans, in so far as they are able to seize and sell tiled huts in execution of their decrees. There was an increase in every description of suit. Suits of values up to Rs. 10 increased from 8,387 to 10,411, or to within 365 of what they were before this class of cases began to diminish in 1883, and of values between Rs. 10 and Rs. 50 from 11,020 to 13,159. In suits of values between Rs. 500 and Rs. 1,000 there was an increase from 505 to 546, and of those over Rs. 1,000 from 315 to 379. The above represents a considerable increase in the work of the Judges.

3. It would appear therefore that the inconveniences of which complaints were made when the Act came into operation, noticed at length in paragraph 2 of the Resolution on the Report of the Small Cause Court Judges for 1883, have not had the effect of permanently discouraging the smaller suitors. Moreover, some at all events of the grievances most strongly urged after the coming into operation of the new Act, have now been removed. For example, during the year the Lieutenant-Governor took into consideration the issue of a notification withdrawing the extension to the Small Cause Court of sections 37 and 41 of the Civil Procedure Code, by the operation of which the procedure of the ordinary Civil Courts with regard to recognized agents had become applicable to the Small Cause Court. It was, however, finally decided that the notification should not come into force until the 1st January of this year. In October 1883 the Government of India reduced the stamp duty payable on a power-of-attorney under article 50 (*b*), Schedule I of the Indian Stamp Act, when required in suits or proceedings under the Presidency Small Cause Courts Act, from Re. 1 to annas 8, thereby giving material relief to the poorer suitors.

The question of reducing the institution fees was another subject which received the attention of this Government. The Court, however, on being consulted, remarked that the effect of the reduction would probably be an increase in the number of suits, and that the present staff—judicial and ministerial—was unable to cope with any further addition of work. For the reasons given by the Court, and because the returns for the year 1884 show that the present scale of the institution fees has not prevented a large increase in the litigation, the Lieutenant-Governor has decided that no steps ll be taken for the present towards its reduction.

4. The total number of cases disposed of (omitting transfers), compared he result of the preceding year, increased from 25,783 to 30,211. The duration of contested suits increased from 71·5 to 114·4 days, yet the of contested cases only increased from 5,211 to 5,388. The Court paragraph 7 of their Report, given reasons, all doubtless of more or less ght, why the average duration of suits has again increased, and will probably continue to do so. These, together with the increasing difficulty felt by ne Judges in getting through their daily boards, must be accepted as accounting sufficiently for an evil which, in a Court of Small Causes especially, is a very serious one. The Court sat for 265 days. There were 863 suits pending at the close of the year more than at the close of the preceding year. The total value of the suits instituted increased from Rs. 19,89,465 to Rs. 22,47,816. The amount realized on applications for execution of decrees with the issue of process increased from Rs. 2,11,407 to Rs. 2,46,451, and without the issue of process from Rs. 2,17,355 to Rs. 2,29,159. In 440 cases the judgment-debtor was imprisoned, in 369 arrested but released without imprisonment.

5. The total receipts rose from Rs 2,82,968 to Rs. 3,24,516; those in court-fee stamps for process and other fees alone having increased from Rs. 2,80,339 to Rs. 3,21,419. The charges were Rs. 2,11,940, almost the same as in the preceding year. The net amount credited to Government increased from Rs. 71,954 to Rs. 1,12,576.

6. The work of the Court was distributed among the Judges and the Registrar. The Chief Judge dealt with all suits and miscellaneous cases from Rs. 700 and upwards for half of the year, and from Rs. 600 and upwards for the other half. The Second, Third and Fourth Judges dealt each with one-third of all suits and miscellaneous cases between Rs. 15 and Rs. 700 (or Rs. 600), and one-fourth of all suits, &c., between Rs. 10 and Rs. 15. The Registrar heard one-fourth of all suits and miscellaneous cases between Rs. 10 and Rs. 15, and all suits, &c., up to Rs. 10.

7. In paragraph 3 of the Resolution on the Report of last year's working of this Court, it was remarked that upon the facts contained in the Report for 1883, the Lieutenant-Governor found it impossible to press on the Government of India a recommendation for the appointment of an Additional Judge, or any increase to the pay of the present Judges. The Judges have now represented in detail the difficulties with which they have to contend, and the impossibility, with the present judicial staff, of preventing the growing accumulation of arrears. While admitting that as regards suits alone the numbers are not so great as in the years previous to the extension of the jurisdiction of the Court to suits of values up to Rs. 2,000, they state that the value of the suits has greatly increased, thereby involving more frequent contests and a greater complication of details. They further represent that the new procedure has given rise to a variety of miscellaneous applications which were previously unknown, and they show by the analysis of an ordinary day's work that arrears must at present necessarily accumulate. With reference to the refusal of the Government of India, after a careful comparison of the work done in the Calcutta Court of Small Causes with that in other Presidency Small Cause Courts, to sanction the appointment of an Additional Judge and an increase to the pay of the Second and Third Judges of the Court as proposed in 1882, the Judges explain that the Small Cause Courts of Madras and Bombay have to deal with a far larger proportion of the very suits which are most easy to try, viz. suits on "written promise for sum certain." They finally point out that in the course of the last ten years the Calcutta Court has yielded a much larger revenue than either of the other Presidency Small Cause Courts, and that the number of days on which the Judges actually work is also greater.

It appears to Sir Rivers Thompson that the Judges make out some case for an enlargement of the Court; but the present moment is not a favourable one for any representation which involves increased expenditure, and the Lieutenant-Governor would prefer if the Judges would re-submit the case in a special report when the Court closes for its vacation in October next. A fuller experience will then have been gained of the work to be dealt with, and the ab of the Court to cope with it. It might be a consideration whether the niary limit of the powers of the Registrar in trying suits should extended.

ORDER.—Ordered that a copy of the above Resolution be commu to the Judges of the Calcutta Court of Small Causes.

By order of the Lieutenant-Governor of Bengal,

F. B. PEACOCK,

Secretary to the Government of Bengal.

No. 205J—D.

COPY forwarded to the Chief Judge, Court of Small Causes, Calcutta, for information.

By order of the Lieutenant-Governor of Bengal,

F. B. PEACOCK,

Secretary to the Government of Bengal.

DARJEELING,
The 6th May 1885.

C. E. G.—Reg. No. 1870C—168—12-5-85.